

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,

Plaintiff,

Case No. 2:16-cv-13040  
District Judge Avern Cohn  
Magistrate Judge Anthony P. Patti

v.

ELITE HEALTH CENTERS, INC.,  
ELITE CHIROPRACTIC, P.C.,  
ELITE REHABILITATION, INC.,  
MIDWEST MEDICAL  
ASSOCIATES, INC., PURE  
REHABILITATION, INC., DEREK  
L. BITTNER, D.C., P.C., MARK A.  
RADOM, DEREK LAWRENCE  
BITTNER, D.C., RYAN MATTHEW  
LUKOWSKI, D.C., MICHAEL P.  
DRAPLIN, D.C., NOEL H. UPFALL,  
D.O., MARK J. JUSKA, M.D.,  
SUPERIOR DIAGNOSTICS, INC.,  
CHINTAN DESAI, M.D., MICHAEL  
J. PALEY, M.D., DEARBORN  
CENTER FOR PHYSICAL  
THERAPY, L.L.C., MICHIGAN  
CENTER FOR PHYSICAL  
THERAPY, INC., and JAYSON  
ROSETT

Defendants.

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**ORDER REGARDING THE ELITE DEFENDANTS' LETTER REQUEST  
TO FILE A MOTION TO COMPEL THE CONTINUED DEPOSITION OF  
STATE FARM'S 30(b)(6) WITNESS (DE 462)**

This matter is before the Court for consideration of the Elite Defendants' May 8, 2019 letter request to file a motion to compel the continued deposition of State Farm's Rule 30(b)(6) witness (DE 462), Defendants Paley's and Desai's concurring letter requests (DEs 463, 464), and Plaintiff State Farm Mutual Automobile Insurance Company's (State Farm) letter response in opposition (DE 466). These letter requests were addressed at a hearing held on May 10, 2019, at which the Court entertained oral argument.

Upon consideration of the letter requests and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, the Court **DENIES** Defendants' requests to file a motion to compel the continued deposition, but **GRANTS** the relief requested in those letter requests that the deposition of State Farm's 30(b)(6) witness be continued, as follows:

1. The parties are **DIRECTED** to cooperatively schedule the continuation of the deposition of State Farm's 30(b)(6) witness at a mutually agreeable date and time, on or before **June 7, 2019**.
2. The deposition shall be a video deposition.
3. Defendants may depose State Farm's 30(b)(6) witness for up to an additional **eight (8) hours** of actual deposition time (*i.e.*, time when the witness is under oath and testifying), allocated as follows:

- Defendant Paley shall proceed first and may take up to four (4) hours.
- The remaining defendants shall proceed next and may take up to four (4) hours, divided among them.
- If any defendant uses less than its allotted time, that defendant can choose to yield its remaining time to other defendants or reserve it for follow-up questions after the other defendants have taken testimony.

4. If State Farm chooses to ask any questions of its 30(b)(6) witness after all defendants have completed their questioning of the witness, Defendants' counsel should be afforded a reasonable amount of time to re-cross-examine the witness, beyond the above eight-hour time limit.

**IT IS SO ORDERED.**

Dated: May 10, 2019

s/*Anthony P. Patti*  
Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE

**Certificate of Service**

I hereby certify that a copy of the foregoing document was sent to parties of record on May 10, 2019, electronically and/or by U.S. Mail.

s/*Michael Williams*  
Case Manager for the  
Honorable Anthony P. Patti